

September 9, 2005

Jared W. Thompson, Health Physics Supervisor
Arkansas Department of Health and Human Services
Radioactive Materials Program
4815 W. Markham, Mail Slot 30H
Little Rock, Arkansas 72205

Dear Mr. Thompson:

We have reviewed the Arkansas proposed legally binding license condition to implement increased controls for certain licensees that possess certain radioactive materials in quantities of concern, received by our office on September 7, 2005. This license condition was reviewed by comparison to the equivalent NRC requirements that were transmitted from this office on September 2, 2005. We discussed our review of the license condition with you on September 8, 2005.

We have determined that the proposed Arkansas license condition, if issued without significant change, would meet the compatibility category 'B' designation in NRC Order EA-05-090.

We appreciate receiving the final license condition issued to effected Arkansas licensees.

The SRS Data Sheet summarizes our knowledge of the status of other Arkansas regulations and legal binding requirements, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, will be posted on the STP website:

<http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review, the compatibility categories, or any of the NRC requirements used in the review, please contact Mr. Andrew Mauer of my staff at 301-415-3962 or e-mail: anm@nrc.gov.

Sincerely,

/RA By D.K.Rathbun For/

Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

Enclosures:
As Stated

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Office of State and Tribal Programs

Enclosures: As Stated

Distribution:

DIR RF(5-245) DCD (SP08)
V.Campbell, RSAO
A. Mauer, ASPO

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NAME	ANMauer		GSMizuno for SATreby*		DKRothbun*	
DATE	09/08/05*		09/09/05*		09/09/05*	

ML052520313

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STATE REGULATION STATUS

State: Arkansas

[1 proposed license condition reviewed is identified by a i at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number: 5-245

Date: September 9, 2005

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule ¹ / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 56 FR 61352 57 FR 38588 57 FR 57877 58 FR 67657 59 FR 41641 60 FR 20183 (1/1/94)	1991-3	F ML031270002	(N)04/30/2003 ML031220523	
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	F ML031270002	(N) 04/30/03 ML031220523	
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2	F ML031270002	(N) 04/30/03 ML031220523	
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F ML031270002	(N) 04/30/03 ML031220523	
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1	F ML031270002	(N) 04/30/03 ML031220523	
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required ³
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			Not applicable SECY-95-112 ³
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F ML031270002	(Y) 04/30/03 ML031220523	Not applicable SECY-95-112 ⁴
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F ML031270002	(N) 04/30/03 ML031220523	
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1			Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable to Arkansas
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F ML031270002	(N) 04/30/03 ML031220523	

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Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1	F ML031270002	(Y) 04/30/03 ML031220523	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F ML031270002	(N) 04/30/03 ML031220523	
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F ML031270002	(N) 04/30/03 ML031220523	
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	F ML031270002	(N) 04/30/03 ML031220523	
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F ML031270002	(Y) 04/30/03 ML031220523	
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F ML031270002	(N) 04/30/03 ML031220523	
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	F ML031270002	(N) 04/30/03 ML031220523	
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28723 (4/1/99)	1996-1	F ML031270002	(Y) 04/30/03 ML031220523	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F ML031270002	(N) 04/30/03 ML031220523	
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120 (1/9/00)	1997-1	F ML031270002	(N) 04/30/03 ML031220523	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2	F ML031270002	(N) 04/30/03 ML031220523	
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	F ML031270002	(N) 04/30/03 ML031220523	
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	F ML031270002	(N) 04/30/03 ML031220523	

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Radiological Criteria for License Termination- Parts 20, 30, 40, 70	62 FR 39058 (8/20/00)	1997-6	F ML031270002	(N) 04/30/03 ML031220523	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7	F ML031270002	(N) 04/30/03 ML031220523	
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1	F ML031270002	(N) 04/30/03 ML031220523	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4	P ML051640435	N 07/12/05 ML051940125	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477 63 FR 45393 (10/26/01)	1998-5	F ML031270002	(Y) 04/30/03 ML031220523	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6	F ML031270002	(Y)04/30/03 ML031220523	
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			Not applicable to Arkansas
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3	P ML051640435	Y 07/12/05 ML051940125	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR20337 (5/17/03)	2000-1	P ML051640435	N 07/12/05 ML051940125	
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2	P ML051640435	N 07/12/05 ML051940125	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material- Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P ML051640435	Y 07/12/05 ML051940125	
Revision of the Skin Dose Limit-Part 20	67 FR 1629; (4/5/05)	2002-1	P ML051640435	N 07/12/05 ML051940125	

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Medical Use of Byproduct Material-Parts 20, 32, 35	67 FR 20249; (10/24/05)	2002-2	P ML051640435	Y 07/12/05 ML051940125	
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1	P ML051640435	N 07/12/05 ML051940125	
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71.	69 FR 3697; (10/01/07)	2004-1			
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1	P ML051640435	N 07/12/05 ML051940125	
Medical Use of Byproduct Material - Recognition of Speciality Boards - Part 35	70 FR 16336; (4/29/08)	2005-2			
i Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁶	TBD FR TBD; (12/2/05)	2005-3	P ML 052510171	N 09/9/05 ML 052520313	

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means “Yes,” there are comments in the review letter that the State needs to address.
N means “No,” there are no comments in the review letter.
3. Not required means a State is not required to have this item for compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.I. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS Tracking number
6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.